

DEPARTMENT OF DEFENSE**Defense Mapping Agency****48 CFR Part 5552****Proposed Agency Clause for FIPR Contracts**

AGENCY: Defense Mapping Agency, Defense.

ACTION: Proposed rule with request for public comments.

SUMMARY: The Defense Mapping Agency (DMA) is proposing use of a clause to be included in all DMA contracts awarded for Federal Information Processing Resources (FIPR). The clause would specify rights and duties of the contractor and DMA in the event of malicious code contamination of supplies provided under a contract.

DATES: Comments must be submitted by November 7, 1994.

ADDRESSES: All comments concerning this proposed contract clause should be addressed to Viola W. Hagberg, Chief, Acquisition Policy Division, Defense Mapping Agency, 8613 Lee Highway, Mail Stop A-3, Fairfax, VA 22031-2137.

FOR FURTHER INFORMATION CONTACT: Wendy Leathem, Procurement Analyst, 703-285-9198.

SUPPLEMENTARY INFORMATION:**A. Background**

The Department of Defense has established the Computer Security Vulnerability Reporting Program (CSVVP) in response to national security instructions. Under this program the Defense Information Systems Security Program Office has established the Automated System Security Incident Support Team (ASSIST) whose mission is vulnerability reporting. ASSIST has recommended all DOD elements include a clause in all contracts for computer hardware or software to protect against delivery of contaminated or malicious code. DMA proposes the use of Agency clause 552.246-9000 "Contaminated Products".

B. Regulatory Flexibility Act

The Regulatory Flexibility Act applies, but the proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. An Initial Regulatory Flexibility Analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities will also be considered in accordance with Section 610 of the Act.

C. Paperwork Reduction Act

This rule contains no information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 5552

Government procurement.
M.Z. Labovitz,
Deputy Director for Acquisition and Logistics.

Therefore, it is proposed that 48 CFR Chapter 55, consisting of Part 5552, be added as follows:

CHAPTER 55—DEFENSE MAPPING AGENCY, DEPARTMENT OF DEFENSE**PART 5552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

Authority: 41 U.S.C. 421 and 48 CFR Part 1, Subpart 1.3.

Subpart 5552.2—Texts of Provisions and Clauses**5552.246-9000 Contaminated Products.**

Use the following clause in all contracts for computer hardware or software:

CONTAMINATED PRODUCTS (XXX 1994)**(a) Definitions.**

As used in this clause.

Malicious Code means computer code that is intentionally designed to surreptitiously exploit or destroy data and/or executable files, and disrupt normal operations of an automated information system.

Sanitation means the erasure or overwrite procedure executed to remove data and or executable files from magnetic media.

(b) The Contractor agrees that all products delivered under this contract are free of malicious code. Products will be scanned by the Government prior to release for general use. Scanning will occur within [fill in, recommend 7] working days after initial acceptance of the product by the Government. Upon detection of malicious code by Government procedures, the product will be returned to the Contractor for sanitation or replacement.

(c) The Contractor shall bear all costs associated with sanitization or replacement of the contaminated product. Such costs shall include the cost of transporting the product from the Government facility to the Contractor facility and return, as well as, all costs associated with delays in delivery of the product. Delay costs include impacts to the Contractor's schedule and any associated Contractor schedules that depend on the delivery and installation of the product. Such costs will be negotiated upon delivery of the sanitized product.

(d) The product shall be sanitized or replaced within [fill in, recommend 7.] working days of notification by the Government of the presence of malicious code.

(End of Clause)

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

185-94

Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding on Petition to List the Colton Sand Dune Jerusalem Cricket as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day petition finding to list the Colton sand dune Jerusalem cricket (*Stenopelmatus* sp.) as endangered under the Endangered Species Act of 1973, as amended (Act). The Service finds that substantial information has not been presented to indicate that the requested action may be warranted.

DATES: The finding announced in this notice was made on August 23, 1994. Comments and materials regarding this petition finding may be submitted to the Field Supervisor at the address listed below until further notice.

ADDRESSES: Information, comments, or questions regarding this petition finding should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. The petition, the Service's finding, and additional information are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Marjorie Nelson, biologist, at the above address (telephone 619/431-9440).

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**.

On January 11, 1994, the Service received a petition to list the Colton

sand dune Jerusalem cricket (*Stenopelmatus* sp.) as endangered from Dr. David Weissman of the California Academy of Sciences. The letter from Dr. Weissman, dated January 4, 1994, clearly identified itself as a petition and contained the names, signature, and address of the petitioner. A letter acknowledging receipt of the petition by the Service was sent to the petitioner on January 31, 1994.

The petitioner stated that the Colton sand dune Jerusalem cricket merits protection under the Act because of: (1) Threats to its habitat, (2) information indicating that this insect is known from only two sand dune areas in southwestern San Bernardino County, California, and (3) the cricket occurs in the same habitat as the federally listed endangered species Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*).

The Service's finding is based on information contained in the petition, conversations with the petitioner, and additional information provided to the Service by the petitioner in a letter dated March 29, 1994. All documents are on file in the Carlsbad Field Office (see ADDRESSES section).

Adequate rangewide surveys have not been completed for the Colton sand dune Jerusalem cricket. The Service lacks evidence of specific threats to the petitioned insect, especially any threat associated with a population decline. The insect covered by this petition may be sensitive to ecological perturbations resulting from the impacts of human activities. However, information was not presented to show correlations between the insect's ecological sensitivity and population trends. No information exists to support an assumption that the Colton sand dune Jerusalem cricket has been substantially depleted or is subject to serious threats throughout all or a significant portion of its range. Moreover, given that the insect has yet to be formally described, the taxonomic distinctiveness or validity of the species has not been determined.

The Service has carefully reviewed the petition. On the basis of the best scientific and commercial information currently available, the Service has determined that the petition does not present substantial information indicating that the requested action may be warranted. However, the Service is interested in any additional information about the Colton sand dune Jerusalem cricket that may be available. Please submit any additional information to the Carlsbad Field Office (see ADDRESSES section).

Author

This notice was prepared by Marjorie Nelson (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Authority: 16 U.S.C. 1531-1544.

Dated: August 23, 1994.

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.

[FR Doc. 94-21865 Filed 9-2-94; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 23

Foreign Proposals To Amend Appendices to the Convention on International Trade in Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of amendments to CITES appendices proposed by foreign countries and public meeting.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention) regulates international trade in certain animals and plants. Species for which trade is controlled are listed in Appendices I, II, and III to CITES. Any country that is a party to CITES may propose amendments to Appendix I or II for consideration by the other Parties.

This notice announces proposals submitted by Parties other than the United States and the Service's tentative negotiating positions, and invites information and comments on these proposals in order to develop negotiating positions for the U.S. delegation. The proposals will be considered at the ninth regular Meeting of the Conference of the Parties (COP9) to be held in Fort Lauderdale, Florida, from November 7-18, 1994.

DATES: The U.S. Fish and Wildlife Service (Service) will consider all comments received by September 30, 1994, in developing negotiating positions. The Service plans to publish a notice of its negotiating positions prior to the meeting of the Parties.

A public meeting will also be held to receive comments from the public on September 14, 1994.

ADDRESSES: Please send correspondence concerning this notice to Chief, Office of Scientific Authority; Mail Stop: ARLSQ, room 725; U.S. Fish and Wildlife Service; Washington, DC 20240. The fax

number is 703-358-2276. Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; 4401 North Fairfax Drive, room 750; Arlington, Virginia 22203. Comments and other information received are available for public inspection by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia address.

The public meeting will be held in the Buffet Room adjacent to the cafeteria of the Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address; telephone 703-358-1708.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species which are or may become threatened with extinction, and are listed in Appendices to the Convention. Currently, 122 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of the Convention. The ninth regular meeting of the Conference of the Parties to CITES (COP9) will be held in Fort Lauderdale, Florida, November 7-18, 1994.

This notice is part of a series of notices which, together with public meetings, encourage the public to participate in the development of the U.S. positions for COP9. A **Federal Register** notice published on July 15, 1993 (58 FR 38112) requested information and comments from the public on animal or plant species the United States might consider as possible amendments to the appendices. A **Federal Register** notice published on November 18, 1993 (58 FR 60873) requested public comments on possible revisions to the criteria for listing species in the CITES Appendices. A **Federal Register** notice published on January 27, 1994 (59 FR 3832) requested additional comments from the public on animal or plant species that the United States was considering submitting as